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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENDAN JACY TATUM and  
JOSEPH HUFFAKER,

Defendants.

**CASE NO. 3:21-MJ-70422 MAG**

STIPULATION TO CONTINUE STATUS  
CONFERENCE AND EXCLUDE TIME UNDER  
THE SPEEDY TRIAL ACT, WAIVER UNDER  
FEDERAL RULE OF CRIMINAL PROCEDURE  
5.1, AND ~~PROPOSED~~ ORDER

At the last appearance on this matter on March 12, 2021, the parties agreed to extend the period under Federal Rule of Criminal Procedure 5.1 and the Speedy Trial Act within which to indict or have a preliminary hearing to May 11, 2021, and set a status conference for April 26, 2021. The parties then agreed to continue the status conference and extend the date for a preliminary hearing or indictment by four weeks, to May 24, 2021, and June 8, 2021, respectively. The parties now agree to a further continuance of the status conference to June 8, 2021 and to extend the date for a preliminary hearing or indictment to June 24, 2021.

Accordingly, it is hereby stipulated by and between counsel for the United States and counsel for the defendants, Brendan Jacy TATUM and Joseph HUFFAKER, that time be excluded under the Speedy Trial Act from March 12, 2021 through June 24, 2021, and that the time limits for a preliminary hearing

**FILED**

May 24 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

1 under Federal Rule of Criminal Procedure 5.1 and for an indictment under the Speedy Trial Act be  
2 extended through June 24, 2021.

3 The government and counsel for the defendants have agreed that time be excluded under the  
4 Speedy Trial Act so that defense counsel can prepare, including by reviewing extensive discovery that  
5 has been produced pursuant to a proposed protective order, and for continuity of counsel. For these  
6 reasons, the parties stipulate and agree that excluding time until and through June 24, 2021 will allow  
7 for the effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).  
8 The parties further stipulate and agree that the ends of justice served by excluding the time from March  
9 12, 2021 through June 24, 2021 from computation under the Speedy Trial Act outweigh the best  
10 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

11 The parties also stipulate and agree that extending the time limits for a preliminary hearing under  
12 Federal Rule of Criminal Procedure 5.1 and for extending the time period for an indictment under the  
13 Speedy Trial Act through June 24, 2021, taking into account the public interest in the prompt disposition  
14 of criminal cases, will allow for the effective preparation of counsel and continuity of counsel. *See* Fed.  
15 R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

16 The parties also stipulate that, given the above, it is appropriate to continue the status conference  
17 in this matter to June 8, 2021.

18 The undersigned Assistant United States Attorney certifies that he has obtained approval from  
19 counsel for the defendant to file this stipulation and proposed order.

20 **IT IS SO STIPULATED.**

21 DATED: May 23, 2021

\_\_\_\_\_  
/s/  
CYNTHIA FREY  
Assistant United States Attorneys

23 DATED: May 23, 2021

\_\_\_\_\_  
/s/  
STUART HANLON  
Counsel for Defendant Brendan Jacy Tatum

26 DATED: May 23, 2021

\_\_\_\_\_  
/s/  
JONATHAN RAPEL  
Counsel for Defendant Joseph Huffaker

28 ~~[PROPOSED]~~ ORDER

1 Based upon the facts set forth in the stipulation of the parties and the representations made to the  
2 Court and for good cause shown, the Court finds that failing to exclude the time from March 12, 2021  
3 and June 24, 2021 would unreasonably deny defense counsel and the defendants the reasonable time  
4 necessary for effective preparation, and would unreasonably deny the defendants continuity of counsel,  
5 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further  
6 finds that the ends of justice served by excluding the time from March 12, 2021 and June 24, 2021 from  
7 computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a  
8 speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time  
9 from March 12, 2021 and June 24, 2021 shall be excluded from computation under the Speedy Trial  
10 Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

11 Furthermore, with the consent of the defendants, and taking into account the public interest in the  
12 prompt disposition of criminal cases, the Court sets the preliminary hearing to June 24, 2021, and—  
13 based on the parties' showing of good cause—finds good cause for extending the time limits for a  
14 preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the time period for  
15 an indictment under the Speedy Trial Act (based on the exclusion set forth above). Fed. R. Crim. P. 5.1;  
16 18 U.S.C. § 3161(b).

17 For good cause shown, the Court further orders that the status conference regarding a  
18 preliminary hearing or indictment be continued to June 8, 2021.

19 **IT IS SO ORDERED.**

20  
21 DATED: May 24, 2021

  
HON. THOMAS S. HIXSON  
United States Magistrate Judge